

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: November 6-7, 2002

Reference No.: 2.4b.  
Action Item

From: ROBERT L. GARCIA  
Chief Financial Officer

Prepared by: Brice D. Paris  
Division Chief  
Right of Way

Ref: **RESOLUTIONS OF NECESSITY**

## **ISSUE:**

For each of the proposed resolutions, the property owners are not contesting the following findings contained in Section 1245.230 of the Code of Civil Procedure:

1. The public interest and necessity require the project.
2. The project is planned to provide the greatest public good with the least private injury.
3. This property is required for the proposed project.
4. An offer to purchase the property in compliance with Government Code Section 7267.2 has been made to the owner of record.

The only remaining issues with the property owners are related to compensation.

## **RECOMMENDATION:**

The Department of Transportation recommends the California Transportation Commission adopt Resolutions of Necessity C-18654 through C-18679 and C-18681. Discussions have taken place with all the owners, each of whom has been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which the owner may subsequently be entitled. Adoption of the resolutions will not interrupt our efforts to secure equitable settlement. In accordance with statutory requirements, each owner has been advised the Department is requesting the resolutions at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-18654 - Barry D. Parkinson, et al.

01-Lak-20-KP 20.09- Parcel 10908 - EA: 296202 - Certification Date: 01/01/03 - RTL Date: 01/01/03 - Continuous left turn lane (Conventional Highway) Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Nice at 2435 E. Highway 20.

C-18655 - Community Baptist Church of Nice

01-Lak-20-KP 20.94 - Parcel 11049 - EA 296202 - Certification Date: 01/01/03 - RTL Date: 01/01/03 - Continuous left turn lane (Conventional Highway) Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Nice at 2877 E Highway 20.

C-18656 - Myrtle Gustafson, Trustee, et al.

01-Lak-20-KP 21.64- Parcel 11066 - EA: 296202 - Certification Date: 01/01/03 - RTL Date: 01/01/03 - Continuous left turn lane (Conventional Highway) Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Nice at 3256 Lakeshore Blvd.

C-18657 - Big Valley Lumber Co., Inc, et al.

02-Las-299-PM 2.0- Parcel 12637 - EA: 310209 - Certification Date: 10/01/02 - RTL Date: 10/01/02 - Roadway rehabilitation (Conventional Highway) Authorizes condemnation of land in fee for a State highway, located near the town of McArthur between Day Road and County Road No. 407. APN 001-250-18.

C-18658 - The City of Santa Clara

04-SCL-101-PM 40.40- Parcel 58309-1,2 - EA: 4874G2 - Certification Date: 01/03 - RTL Date: 02/01/03 - Add stem to road and modify interchange (Freeway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for utility purposes, located in the city of San Jose at the end of Channing Avenue.

C-18659 - Newhall Land and Farming Company

07-LA-5-KP 86.4 - Parcels 77020-1,2,3,4,5,6 and 77021-1,2,3,4 - EA: 176009 - Certification Date: 6/01 - RTL Date: 6/01 (Freeway Bridge Replacement Project) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, two temporary easements for construction, a temporary easement for grading purposes, two permanent easements for drainage purposes, located in the city of Valencia at Magic Mountain Parkway.

C-18660 - Canyon Country Enterprises

07-LA-14-PM 35.3 - Parcel 77939-1,2,3,4,5,6 - EA: 4E2409 - Certification Date: 1/03 - RTL Date: 1/03 (Freeway Check Dam Installation and Mitigation Project) Authorizes condemnation of two temporary easements for ingress and egress purposes, a permanent easement for drainage purposes, two temporary easements for construction purposes, a permanent conservation easement, located in the unincorporated area of Los Angeles County known as Canyon Country at 14320 Soledad Canyon Road, Canyon Country, CA.

C-18661 - Jack Gard

07-LA-405-KP 43.8 - Parcel 76864-1,2,3 - EA: 1178U9 - Certification Date: 6/03 (Widen existing Freeway and construct HOV lanes) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for highway purposes, a permanent easement for footing purposes, located in the city of Culver City at 4330 Huntley Avenue.

C-18662 - Stephen Connell, et ux

07-LA-405-KP 43.8 - Parcel 78203-1,2 - EA: 1178U9 - Certification Date: 6/03 - (Widen existing Freeway and construct HOV lanes) Authorizes condemnation of land in fee for a State highway, a temporary easement for highway purposes, located in the city of Culver City at 4346 Huntley Avenue.

C-18663 - John C. Podsadecki

08-SBd-62-PM 7.3 - Parcel 17613-1 - EA: 359029 - Certification Date: 3/03 - RTL Date: 5/03 (Conventional Highway, shoulder widening and realignment) Authorizes the condemnation of a permanent utility easement, located in the unincorporated area of Morongo Valley at the North side of Route 62, approximately 300 meters North of Scholl Drive.

C-18664 - Djuna Lynn Baker

08-SBd-210-KP 29.82R - Parcel 18125-1 - EA: 443919 - Certification Date: 02/03 - RTL Date: 04/15/03 (Construct new six lane Freeway) Authorizes condemnation of land in fee for a State highway, located in the city of Rialto at 1948 North Alice Avenue.

C-18665 - Robert and Renee Tepper, Trustees of the Tepper Family Trust

08-SBd-210-KP 30.05R - Parcel 19304-1 - EA: 443929 - Certification Date: 02/01/03 - RTL Date: 03/03/03 (Freeway Interchange Project) Authorizes condemnation of land in fee for a State highway, located in the city of Rialto at the southwest corner of Riverside Avenue and Easton Street.

C-18666 - Westminster Rialto, LLC

08-SBd-210-KP 30.05R - Parcel 19305-1 - EA: 443929 - Certification Date: 02/01/03 - RTL Date: 03/03/03 (Freeway Interchange Project) Authorizes condemnation of land in fee for a State highway, located in the city of Rialto at 1850 North Riverside Avenue.

C-18667 - A.B. Steward II, Inc., a California Corporation

08-SBd-210-KP 30.08R - Parcel 18126-1 - EA: 443929 - Certification Date: 02/01/03 - RTL Date: 03/03/03 (Freeway Interchange Project) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located in the city of Rialto at northwest corner of Easton & Riverside Avenues.

C-18668 - Casa de Barbera, Inc., a California Corporation

08-SBd-210-KP 30.08R - Parcel 18127-1,2 - EA: 443929 - Certification Date: 02/01/03 - RTL Date: 03/03/03 (Freeway Interchange Project) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, located in the city of Rialto, west of Riverside Avenue, 175' north of Easton Avenue.

C-18669 - Pierre Piponnier, et ux

08-SBd-210-KP 30.02R - Parcel 18288-1,2 - EA: 443929 - Certification Date: 02/01/03 - RTL Date: 03/03/03 (Freeway Interchange Project) Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, located in the city of Rialto, at the northwest corner of Riverside Avenue and Highland Avenue.

C-18670 - Rexford Title, Inc.

08-SBd-210-KP 30.11R - Parcel 18130-1,2,01-01 - EA: 443929 - Certification Date: 02/01/03 - RTL Date: 03/03/03 (Freeway Interchange Project) Authorizes condemnation of land in fee for a State highway, land in fee which is a remnant and would be of little market value, located in the city of Rialto at the northeast corner of Riverside Avenue and Easton Street.

C-18671 - Rialto Medical Building, a California Limited Partnership

08-SBd-210-KP 30.17R - Parcel 19049-1,2 - EA: 443929 - Certification Date: 2/01/03 - RTL Date: 03/03/03 (Freeway Interchange Project) Authorizes condemnation of land in fee for a State highway, located in the city of Rialto at 1851 North Riverside Avenue.

C-18672 - Smithers Family Limited Partnership

08-SBd-210-KP 32.69R - Parcel 18154-1,01-01 - EA: 443919 - Certification Date: 02/03 - RTL Date: 04/15/03 (Construct new six lane Freeway) Authorizes condemnation of land in fee for a State highway, land in fee which is a remnant and would be of little market value, located in the unincorporated area of San Bernardino at 2350 West Washington Avenue.

C-18673 Union Pacific Railroad Company, a Utah Corporation

10-SJ-120-KP 18.6- Parcel 14313- EA: 0A7409 - Certification Date: 12/01/02 - RTL Date: 12/01/02 (Conventional Highway) Authorizes condemnation of a permanent easement for right of way, located near the city of Manteca near State Highway 120 at French Camp Road.

C-18674 Charles & Sandra Parish

10-Mer-99-KP 43.02- Parcel 14595 - EA: 316969 - Certification Date: 3/01/03 - RTL Date: 3/01/03 (Freeway) Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Merced County at 5760 Highway 99, Livingston, CA.

C-18675 Serafim Aguiar Jr.

10-Mer-99-KP 43.02- Parcel 14725- EA: 316969 – Certification Date: 3/01/03 – RTL Date: 3/01/03 (Freeway) Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Merced County at 5678 Arena Way, Livingston, CA.

C-18676 Helen Petrogeines Trust "A", et al.

11-Imp-7-KP 2.5- Parcel 31314-1,2,3,4 - EA: 068009 - Certification Date: 5/1/03 - Four lane Highway (Expressway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, three permanent easements for drainage, access, and utilities, the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line, located near the city of Calexico, north of State Route 98, south of Heber Road, and west of the Alamo River. APN: 059-140-07.

C-18677 Charles E. Nilson, et ux

11-Imp-7-KP 8.23- Parcel 31320-1,2,3,4,5 - EA 068009 - Certification Date: 05/01/03 - Four lane highway (Expressway) Authorizes condemnation of land in highway easement for State highway purposes, extinguishment of abutter's rights of access, a permanent easement for construction and maintenance of canals and utilities, the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line and a temporary easement for construction, located in the unincorporated area of the County of Imperial at the SW corner of McCabe Road and Orchard Road, APN # 055-190-73-01 & 055-190-74-01.

C-18678 - Cynthia Miyagawa (Woodward)

11-SD-125-KP 17.9- Parcel 32163-1,2 - EA: 003009 - Certification Date: 07/18/00 - Eight lane Freeway and Interchange with HOV provisions (Freeway) Authorizes condemnation of permanent easements for highway right of way and slope, and the right and easement to enter upon the remaining ownership to sever, shore and remove certain improvements, located in the unincorporated area of San Diego County known as Bonita at 5775 Quarry Road, Bonita CA.

C-18679 - Advanced Electromagnetics, Inc.

11-SD-52-KP 24.8 - Parcel 27015 - EA: 010619 - Certification Date: 04/03/03 - Construct four lane freeway (Freeway) Authorizes condemnation of a leasehold interest in land and excess land owned in fee by the State for a State highway, located in the city of Santee at 9307 Mission Gorge Road.

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C-18681 - Kenneth W. Grace

10-SJ-120-KP 24.6- Parcel 14352 - EA: 0A7409 - Certification Date: 12/01/02 - RTL Date:  
12/01/02 (Conventional Highway- AC Overlay and widen shoulder) Authorizes condemnation of  
land in fee for a State highway, located near the city of Escalon at 23487 E. State Highway 120.